

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled GENES UPREGULATED IN A TOMATO PLANT HAVING AN INCREASED ANTHOCYANIN CONTENT PHENOTYPE, the specification of which

☐ is attached hereto.

☒ was filed on October 25, 2005 as United States Patent Application No. 10/554,386.

☒ was described and claimed in PCT International Application No. PCT/US2004/012826, filed on April 26, 2004.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56. If this is a continuation-in-part application filed under the conditions specified in 35 U.S.C. § 120 which discloses claims and subject matter in addition to that disclosed in the prior copending application, I further acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the applications(s) on which priority is claimed:

Number	Country	Day/Month/Year Filed	Claim Priority?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Filing Date
60/465,605	April 25, 2003

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365(c) of any PCT international application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:


Application Number	Filing Date	Status: patented, pending, abandoned

Address all telephone calls to Anne Carlson, Ph.D. at telephone number (503) 595-5300.

Address all correspondence to the address associated with **Customer Number 57622**, which address is:

Klarquist Sparkman, LLP
121 S.W. Salmon Street, Suite 1600
Portland, OR 97204

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of First Inventor:	Stephanie K. Clendennen		
Residence:	Kingsport, Tennessee		
Mailing Address:	148 Lebanon Road, P.O. Box 6332, Kingsport, Tennessee 37663		
Citizenship:	United States of America		
Inventor's Signature		Date	3 AUG 06

Name of Second Inventor:	Jonathan Lightner		
Residence:	Des Moines, Iowa		
Mailing Address:	540 46th Street, Des Moines, Iowa 50312		
Citizenship:	United States of America		
Inventor's Signature	_____	Date	_____

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Name of First Inventor:	Stephanie K. Clendennen
Residence:	Kingsport, Tennessee
Mailing Address:	148 Lebanon Road, P.O. Box 6332, Kingsport, Tennessee 37663
Citizenship:	United States of America
Inventor's Signature _____	Date _____

Name of Second Inventor:	Jonathan Lightner
Residence:	Des Moines, Iowa
Mailing Address:	540 46th Street, Des Moines, Iowa 50312
Citizenship:	United States of America
Inventor's Signature  _____	Date <u>25 July 2006</u>